

Minnesota Department of Employment and Economic Development

ORDER ADOPTING RULES

Adoption of Rules Governing the Minnesota Job Creation Fund Policies and Procedures, Minnesota Rules 4301.0100 to 4301.0800; Revisor's ID Number AR4221

BACKGROUND INFORMATION

1. The Department of Employment and Economic Development has complied with all notice and procedural requirements in Minnesota Statute 116J.8748, which is the authorizing law for the Minnesota Job Creation Fund Program rules.

2. The commissioner reviewed all written comments received.

The department made four changes between the proposed rules and the adopted rules. **Minnesota Rules 4301.0200, Definitions, Subpart 6, Capital Investment**, was clarified by adding the phrase after the word "property" to read, "but does include expenditures made by a third-party business only if expenditures are reimbursed directly by the designated job creation fund business." This change accounts for potential scenarios involving improvements to leased facilities. This change is reasonable because it clarifies the meaning of the rule part, and is not substantive in nature.

Minnesota Rules 4301.0200, Definitions, Subpart 15, Retained job, was clarified by adding the phrase, "If workers formerly working at another Minnesota facility will be located in a new facility, the workers at the former facility must be counted as retained." This clarification is to ensure jobs that are moved from one Minnesota location to another are accounted for. This change is reasonable because it clarifies the meaning of the rule part, and is not substantive in nature.

Minnesota Rules 4301.0400, Application Procedures, Subpart 2, Application Content (G), was clarified by striking the reference to "116J.993". This change addresses the portion of the business subsidy law that does not apply to certification by a business. This change is reasonable because it clarifies the meaning of the rule part, and is not substantive in nature.

Minnesota Rules 4301.0600, Business Subsidy Provisions, Subpart 1, Requirements, was clarified by striking the reference to "116J.993" after the word "Statutes". This change makes specific the statute that relates to business subsidy provisions under the Job Creation Fund program. The change is reasonable because it clarifies the meaning of the rule part, and is not substantive in nature.

Minnesota Rules 4301.0700, Certification and Disbursement, Subpart 2, Retention projects, was clarified by striking "Retention projects" as the heading to the subpart, and striking the reference to "retention project" in the first sentence of the subpart and replacing both phrases with "retained jobs projects". This change is technical in nature and clarifies the meaning of the rule part.

3. The rules are needed and reasonable.

ORDER

The above-named rules, in the form published by the State Register on November 25, 2013, with the modifications as indicated in the Revisor's draft, dated December 18, 2013, and are adopted under my authority in Minnesota Statute 116J.8748, Subdivision 7.

12/18/13

Date

Katie Clark Sieben

Katie Clark Sieben, Commissioner

Department of Employment and Economic Development